

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SILVIANO CHRISTMAN,	:	
	:	
Plaintiff,	:	
	:	21-CV-2730 (VSB)
- against -	:	
	:	<u>ORDER</u>
	:	
DEPARTMENT OF CORRECTIONS et al.,	:	
	:	
Defendants.	:	
	:	
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VERNON S. BRODERICK, United States District Judge:

I am in receipt of the letter from Assistant Corporation Counsel in the Office of Georgia M. Pestana (“Office”), Corporation Counsel of the City of New York, dated December 6, 2021. (Doc. 24.) On June 30, 2021, I issued a Valetin Order instructing the Office to identify John Doe correctional officers (“COs”) 1-5, who were related to the incident on May 15, 2020, and John Doe COs 6-11, who were related to the incident on June 21, 2020. (Doc. 9.) I also instructed the Office to identify the John Doe physician who treated Plaintiff Christman on June 21, 2020. (*Id.* at 3.)

On August 26, 2021, the Office filed a letter with this Court in which it identified five members of the probe team that “appeared to have interacted with plaintiff” on May 15, 2020; they are:

- Captain Lamar Jefferies, Shield No. 1398
- CO William Johnson, Shield No. 9774
- CO Timothy Schweitzer, Shield No. 10683
- CO Benny Locicero, Shield No. 8490

- CO John DiCostanzo, Shield No. 8666

(Doc. 15.) All five officers are current Department of Corrections (“DOC”) employees.

On November 12, 2021, the Office informed this Court that, upon investigation, “no [] incident occurred involving plaintiff” on June 21, 2020. (Doc. 22 at 1.) Instead, the DOC documents show that plaintiff had a medical emergency on June 23, 2020. (*Id.*)

In its most recent letter dated December 6, 2021, the Office identifies five officers who “were on duty on June 23, 2020, in Cellblock 3 Southwest,” where the incident took place, but states that it is unaware of “any information indicating that [these officers] are proper defendants in any action:”

- CO J. Grant-Stuart, Shield No. 2551
- CO T. Stuart, Shield No. 3852
- CO J. Diaz, Shield No. 14217
- CO J. Scott, Shield No. 11384
- CO Piscitelli, Shield No. 1496

(Doc. 24 at 1.) The Office also identified Dr. Yousef Mahadin as the physician who responded to Plaintiff’s alleged medical incident. (*Id.* at 2.)

Additionally, I have issued two orders instructing Plaintiff to confirm his address with the Pro Se Office. (*See* Docs. 20 and 23.) The latest deadline for Plaintiff to do so is December 13, 2021. (Doc. 23.) To date, Plaintiff has not confirmed his address; his last appearance in this case was on August 4, 2021, (Doc. 12).

In light of the foregoing, it is hereby ORDERED that on or before February 11, 2022, Plaintiff shall (1) confirm his current address with the Pro Se office, and (2) file a letter with this Court, in which he shall indicate which of the individuals identified above by the Office he

would like to be named as defendants in this action. If Plaintiff fails to do so, I will dismiss the case for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

The Clerk of Court is directed to mail a copy of this order to the following address:
Siliviano Christman, B&C No. 3491903612, 11-11 Hazen Street, East Elmhurst, NY 11370.

SO ORDERED.

Dated: December 9, 2021
New York, New York

A handwritten signature in black ink, reading "Vernon Broderick". The signature is written in a cursive, flowing style. The first name "Vernon" is written in a larger, more prominent script, and "Broderick" follows in a similar but slightly smaller script. The signature is positioned above a horizontal line.

Vernon S. Broderick
United States District Judge